

Message Text

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ACTION NEA-12

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INFO AMEMBASSY DACCA

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TAGS: PFOR, ETRN, ECAO, PK, IN.

SUBJ: PAKISTAN APPLICATION TO ICJ AND REACTIVATION OF ICAO CASE

REF: ISLAMABAD 3901: THE HAGUE 1192: NEW DELHI 6702

SUMMARY: GOP HAS FURTHER EXPLAINED RATIONALE FOR ITS APPLICATION TO ICJ OVER THREATENED TRIALS OF PAK POWS AND HAS PUBLICLY URGED RESUMPTION OF NEGOTIATIONS WITH INDIA ON OVERFLIGHT CASE BEFORE ICAO. STATEMENTS APPEAR TO HAVE BEEN PROMPTED BY INDIA REACTION TO ICJ APPLICATION AS PRESENTED IN LOK SABHA AND ON ALL INDIA RADIO. END SUMMARY.

1. GOP SPOKESMAN MAY 24 ELABORATED ON PREVIOUS OFFICIAL STATEMENTS CONCERNING PAKISTAN S MAY 11 UNCLASSIFIED

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APPLICATION TO ICJ OVER THREATENED WAR CRIMES TRIALS OF PAK POWS. DESCRIBING GOP MOVE AS " POSITIVE CONTRIBUTION" TO ACHIEVEMENT OF PEACE IN SUBCONTINENT. SPOKESMAN SAID GOP HAD TAKEN DECISION TO APPLY TO WORLD COURT " AT THE LAST MINUTE" IN ORDER TO FORESTALL TRANSFER OF PAK POWS FROM INDIA TO BANGLADESH. IN THIS CONTEXT, HE NOTED BDG HAD DECLARED THAT WAR CRIMES TRIALS WOULD COMMENCE BEFORE END OF MAY, AND CLAIMED GOI HAD " TURNED DOWN" GOP INVITATION TO RESUME DIALOGUE. SPOKESMAN EMPHASIZED THAT GOP APPLICATION TO ICJ RELATED ONLY TO THOSE POWS WHO WERE TO BE TURNED OVER TO BANGLADESH FOR TRIAL, LEAVING WAY CLEAR FOR " RELEASE OF THE REST OF THE PAKISTANI POWS AND SOLUTION OF OTHER HUMANITARIAN QUESTIONS."

2. IN SOMEWHAT MORE POLEMICAL VEIN, SPOKESMAN LABELED AS " NOT MERELY FALSE (BUT) CRUEL" RECENT GOI STATEMENTS IN LOK SABHA AND REMARKS ALLEDGEDLY MADE ON ALL INDIA RADIO TO EFFECT THAT GOP WAS NOT REALLY KEEN TO GET POWS BACK. GOP, HE SAID, WAS AWARE INDIA HAD LAUNCHED " SHISPERING CAMPAIGN" TO THIS EFFECT, WHICH MUST BE DENOUNCED AND SHOULD BE " TREATED WITH CONTEMPT." HE REITERATED THAT GOP CONSIDERED CONTINUED DETENTION OF POWS AS " MOST SERIOUS OBSTACLE TO THE REALIZATION OF THE PROSPECTS OF THE SIMLA AGREEMENT."

3. IN REFERENCE TO VOERFLIGHT CASE BETWEEN PAKISTAN AND INDIA AT ICAO, SPOKESMAN SAID CASE WAS EXPECTED TO COME UP BEFORE ICAO COUNCIL IN MONTREAL IN LATE JUNE. HE BRIEFLY OUTLINED HISTORY OF CASE SINCE GOI IMPOSED BAN ON PAKISTANI OVERFLIGHTS IN MARCH, 1971, AND SUGGESTED THAT IT SHOULD NOW BE " RESOLVED THROUGH BILATERAL NEGOTIATIONS UNDER THE AEGIS OF ICAO", A PROCEDURE WHICH HE TERMED FULLY CONSISTENT WITH SIMLA AGREEMENT. HE SAID HE " HOPED" GOI WOULD AGREE TO THAT PROCEDURE SINCE ICJ HAD DECIDED ICAO COUNCIL WAS COMPETENT TO EXERCISE JURISDICTION IN MATTER.
SANDERHOFF

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